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6 IN THE UNITED STATES DISTRICT COURT  
7 FOR THE DISTRICT OF ARIZONA

8 MICHAEL C. BAUERLEIN, surviving  
9 natural father of BROOKE LYNNE  
10 BAUERLEIN, deceased minor,  
11 individually and on behalf of all wrongful  
12 death beneficiaries, including SHANNON  
13 BAUERLEIN, surviving mother of  
14 BROOKE LYNNE BAUERLEIN,  
15 deceased minor; and PATRICIA JOELEE  
16 BAUERLEIN, through MICHEAL C.  
17 BAUERLEIN, her natural parent and  
18 next friend,

19 Plaintiffs,

20 v.

21 EQUITY RESIDENTIAL PROPERTIES  
22 MANAGEMENT CORPORATION, an  
23 Illinois Corporation d/b/a LA  
24 MARIPOSA; LOTUS & WINDOWARE,  
25 INC., a California Corporation; JUMBO  
26 SURPLUS CORPORATION, a  
Taiwanese Corporation; JOHN and JANE  
DOES I-X; and BLACK and WHITE  
CORPORATIONS/ PARTNERSHIPS I-  
X,

Defendants.

NO. CV04-1904-PHX-SMM

**ORDER**

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28 Pending before the Court are (1) Defendant Equity Residential Property  
29 Management Corporation's ("Equity") Motion to Permit Party Representative to Appear  
30 Telephonically at the Rule 16 Scheduling Conference scheduled to take place on

1 February 22, 2007 at 4:00 p.m. (dkt. 169); (2) Plaintiff Michael Bauerline's Motion to  
2 Permit his Lead Counsel to Make a Telephonic Appearance at the February 22, 2007  
3 Preliminary Pretrial Conference (dkt. 171); (3) Plaintiff Shannon Bauerline's Motion to  
4 Permit her Telephonic Appearance at the February 22, 2007 Preliminary Pretrial  
5 Conference (dkt. 173); and (4) Defendant Jumbo's Motion to Amend Order Regarding  
6 Preliminary Pretrial Conference and, in the alternative, Motion to Permit Party  
7 Representatives' Telephonic Appearance (dkt. 174).

8 Defendant Jumbo requests that the Court amend the Order setting the Preliminary  
9 Pretrial Conference so that parties are not required "to have present a representative with  
10 settlement authority" (dkt. 174 at 2). In the alternative, Jumbo seeks permission to  
11 appear telephonically at the Preliminary Pretrial Conference.

12 The Court granted Jumbo's request to hold a second Preliminary Pretrial  
13 Conference in order to prepare a second scheduling order that will assist all parties in  
14 preparing for trial. See Dkt. 163. The issues to be discussed at the Conference will  
15 focus on the parties' Proposed Case Management Plan, which counsel for each party  
16 shall be adequately prepared to discuss. As a result, the Court agrees with Jumbo that  
17 personal representatives of the parties should not be required to attend the Preliminary  
18 Pretrial Conference scheduled for February 22, 2007.

19 However, each of the party representatives who have requested permission to  
20 appear telephonically (*i.e.*, Jumbo, Equity, and Shannon Bauerline) *may, but are not*  
21 *required to*, appear by telephone according to the instructions outlined below. Similarly,  
22 for good cause shown, Plaintiff Michael Bauerline's attorneys may appear telephonically  
23 at the February 22, 2007 Preliminary Pretrial Conference according to the instructions  
24 outlined below.

25 Accordingly,  
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1       **IT IS HEREBY ORDERED GRANTING** Defendant Jumbo's Motion to  
2 Amend Order Regarding Preliminary Pretrial Conference and, in the alternative, Motion  
3 to Permit Party Representatives' Telephonic Appearance. (Dkt. 174.)

4       **IT IS FURTHER ORDERED** that the **Order Setting Rule 16 Preliminary**  
5 **Pretrial Conference** (dkt. 167) is hereby amended in the following respect only: The  
6 paragraph beginning at page 2, lines 3-10, is **deleted**.

7       **IT IS FURTHER ORDERED GRANTING** (1) Defendant Equity's Motion to  
8 Permit Party Representative to Appear Telephonically at the Rule 16 Scheduling  
9 Conference; (2) Plaintiff Michael Bauerline's Motion to Permit his Counsel to Make a  
10 Telephonic Appearance at the Preliminary Pretrial Conference;(3) Plaintiff Shannon  
11 Bauerline's Motion to Permit her Telephonic Appearance at the Preliminary Pretrial  
12 Conference; and (4) Defendant Jumbo's Motion to Permit Party Representative's  
13 Telephonic Appearance. (Dkts. 169, 171, 173, 174.)

14       **IT IS FURTHER ORDERED** that the following persons may, but are not  
15 required to, telephonically attend the Rule 16 Preliminary Pretrial Conference on  
16 February 22, 2007: (1) the party representative of Equity, Mr Joel Davis; (2) Shannon  
17 Bauerline; and (3) the party representative of Jumbo Surplus Corporation.

18       **IT IS FURTHER ORDERED** that Plaintiff Michael Bauerline's lead counsel,  
19 James Onder and James Corrigan, shall be required to telephonically attend the Rule 16  
20 Preliminary Pretrial Conference on February 22, 2007.

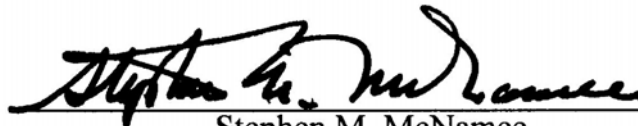
21       **IT IS FURTHER ORDERED** that, if the party representative of Equity (Mr.  
22 Joel Davis) and/or the party representative of Jumbo elect to telephonically attend the  
23 Preliminary Pretrial Conference, counsel for Equity and counsel for Jumbo shall inform  
24 Plaintiff's lead counsel (Messrs. Onder and Corrigan). Plaintiff's lead counsel shall  
25 coordinate and place a **conference call** with all persons who elect to telephonically  
26 appear on one clear telephone line to the Court at 3:55 p.m. on February 22, 2007. The

1 Court's telephone number is 602-322-7555. It is imperative that all parties who  
2 telephonically attend the Preliminary Pretrial Conference call the Court on one clear  
3 telephone line because the Court cannot coordinate or place conference calls.

4 **IT IS FURTHER ORDERED** that counsel for Plaintiff Shannon Bauerline shall  
5 communicate this information to Plaintiff Shannon Bauerline so that she may elect  
6 whether to telephonically appear at the Preliminary Pretrial Conference. If Plaintiff  
7 Shannon Bauerline elects to appear telephonically, Plaintiff Michael Bauerline's lead  
8 counsel shall include her in any conference call placed to the Court.

9 **IT IS FURTHER ORDERED** that Frank Powers, local counsel for Plaintiff,  
10 shall appear at the February 22, 2007 Preliminary Pretrial Conference in person.  
11 Plaintiff Michael Bauerline may, but is not required to, attend the February 22, 2007  
12 Preliminary Pretrial Conference.

13 DATED this 23rd day of January, 2007.

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16 Stephen M. McNamee  
17 United States District Judge  
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